

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JILL OTIS,**

**Plaintiff,**

**v.**

**Case No. 17-C-1767**

**STATE OF WISCONSIN, et al.,  
Defendants.**

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**ORDER**

On December 19, 2017, plaintiff Jill Otis, proceeding pro se, filed a complaint in this court against the State of Wisconsin, Racine County, the County's Department of Human Services, and Marie Froh (an employee of the County's Department of Human Services). The complaint generally alleges that, after the plaintiff was "pulled over," her son was taken from her, and sole custody was granted to the father. For relief, the plaintiff asks that her son be returned to her. The complaint also alleges that the plaintiff is suing under state law rather than federal law. See Compl. at 4.

On December 21, 2017, U.S. Magistrate Judge Nancy Joseph screened the complaint and recommended that it be dismissed for lack of subject-matter jurisdiction. Magistrate Judge Joseph found that the complaint does not allege that the parties are completely diverse or that the amount in controversy exceeds \$75,000, and that therefore it does not establish jurisdiction under 28 U.S.C. § 1332. The case was assigned to me for review, and the plaintiff has since filed an objection to Magistrate Judge Joseph's report and recommendation. I therefore review the report and recommendation de novo. See Fed. R. Civ. P. 72(b)(3).

I agree with Magistrate Judge Joseph's recommendation that this case be dismissed for lack of subject-matter jurisdiction. Plaintiff's objection only confirms that the parties are not diverse and that the amount in controversy does not exceed \$75,000. The plaintiff is a citizen of Wisconsin, and in her objection she alleges that one of the defendants, Marie Froh, is also a citizen of Wisconsin. Moreover, the plaintiff in her objection states that she is seeking \$65,000 in damages, which is less than the jurisdictional minimum. Therefore, this court cannot exercise jurisdiction under § 1332. As noted, Otis specifically disavows reliance on federal law, and therefore this court may not exercise federal-question jurisdiction under § 1331.

**THEREFORE, IT IS ORDERED** that Magistrate Judge Joseph's Report and Recommendation is **ADOPTED** in its entirety. This case is **DISMISSED** for lack of subject-matter jurisdiction.

**IT IS FURTHER ORDERED** that plaintiff's motion to proceed in forma pauperis is **DENIED** as **MOOT**.

Dated at Milwaukee, Wisconsin, this 4th day of January, 2018.

/s/ Lynn Adelman  
LYNN ADELMAN  
District Judge